

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**BULLET PROOF TECHNOLOGY OF
TEXAS, LLC**

Plaintiff,
v.

RENTHAL LTD, et al.

Defendants.

Case No. 2:09-cv-00316-TJW-CE

JURY TRIAL DEMANDED

PLAINTIFF'S TRIAL WITNESS LIST

The Plaintiff, pursuant to the Court's May 25, 2010 Docket Control Order (Dkt. 36), files this Witness List for identification and categorization of trial witnesses.

The Plaintiff makes no representation that each or any of the witnesses on this list will ultimately be able to attend the trial; the Plaintiff has made their designation of live witnesses based on their good faith belief as to which witnesses will be able to attend. The Plaintiff does not know the precise nature or scope of the testimony and evidence that the Defendants, Renthal Ltd., Renthal America, Inc., Plano Fun Center, Inc. d/b/a Plano Kawasaki Suzuki, BG Motorsports, L.P. d/b/a Golden Triangle Powersports ("Defendants") may seek to present at trial. As such, Plaintiff reserves the right to modify, amend or supplement this list throughout trial based on case developments, including but not limited to the right to (1) not call some of the witnesses listed, (2) call live or by deposition as its witness at trial any witness identified on Defendants' witness list and any witness necessary to authenticate or lay the foundation for the introduction of documents to which Defendants object (including but not limited to custodians of

records), (3) add additional witnesses to testify live or by deposition, (4) introduce deposition testimony as impeachment evidence, or (5) change a witness from a live witness to a witness testifying by deposition, and vice versa. The Plaintiff also reserves the right to supplement or modify this list in response to rulings by the Court (including on any motions). The Plaintiff includes in this list individuals who are listed on Defendants' witness list without prejudice to its right to object to Defendants' presentation of those witnesses at trial, the admissibility of all or part of those witnesses' testimony, or its right to move for the exclusion of those witness' testimony.

At this time, Plaintiff identifies the following:

I. Witnesses Appearing by Live Testimony

a. Plaintiff will call:

- i. Dr. Benjamin Kwitek;
- ii. Dr. Michael Jaffe;
- iii. Matthew Morris; and
- iv. Henry Rosenthal.

b. Plaintiff may call:

- i. A corporate representative from Wittenburg BV of the Netherlands;
- ii. A corporate representative from Slatebond Ltd.;
- iii. A corporate representative from E.I. du Pont Nemours and Company, Inc.;
- iv. A corporate representative from Teijin, Ltd.;
- v. Tom Wade; and

vi. Rees Williams.

Dated: April 13, 2012

Respectfully submitted,

By: /s/ William E. Davis, III
William E. Davis III
Texas State Bar No. 24047416
The Davis Firm, PC
111 West Tyler Street
Longview, Texas 75601
Telephone: (903) 230-9090
Facsimile: (903) 230-9661
bdavis@bdavisfirm.com

Sana Halwani
Admitted Pro Hac Vice
Timothy H. Gilbert
Admitted Pro Hac Vice
Gilbert's LLP
77 King Street West
Suite 2010, P.O. Box 301
Toronto-Dominion Centre
Toronto, ON M5K 1K2
Telephone: (416) 703-1100
Facsimile: (416) 703-7422
sana@gilbertslaw.ca
tim@gilbertslaw.ca

Attorneys for Plaintiff
Bullet Proof Technology of Texas, LLC

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email, on this the 13th day of April, 2012.

/s/ William E. Davis, III
William E. Davis, III